

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:16-00223

ERIC THOMAS MYERS

MEMORANDUM OPINION AND ORDER

Defendant's term of supervised release has been revoked three times. During the pendency of his term of supervised release, and even though represented by counsel, defendant filed several pro se letter motions.

The Office of the Federal Public Defender was appointed to represent defendant in connection with the first petition to revoke defendant's term of supervised release. After his term of supervised release was revoked for the first time and while that revocation proceeding was on appeal to the Fourth Circuit, defendant filed a motion to transfer the supervision of his supervised release to another district and, although no petition was pending, resentence him to an additional term of imprisonment with no term of supervised release to follow. (ECF No. 32). Dissatisfied with the representation of the Office of the Federal Public Defender, new counsel was appointed to represent defendant on appeal. The motion to transfer and resentence is **DENIED**.

Thereafter, after a second petition to revoke his term of supervised release was pending, defendant filed a "motion for review and clarification" where he asks the court certain

questions and, once again, asks to be resentenced to an additional term of imprisonment with no new term of supervised release to follow. (ECF No. 41). Defendant was represented by Ward Morgan at that time. A short time later, defendant filed a motion to appoint new counsel. (ECF No. 44). On May 30, 2017, defendant's term of supervised release was revoked for a second time and Mr. Morgan represented him during the revocation hearing. ECF Nos. 41 and 44 are **DENIED**.

Also pending before the court is a letter motion from defendant asking for new counsel and that he be placed on bond. (ECF No. 86). Defendant's letter is dated February 16, 2018, but was not filed until February 22, 2018. Defendant's supervised release revocation hearing was held on February 20, 2018, and his term of supervised release was revoked for the third time. Accordingly, that motion is **DENIED** as moot.

The Clerk is directed to forward a copy of this Order to Mr. Myers, counsel of record, and the Probation Department of this court.

It is **SO ORDERED** this 3rd day of April, 2018.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge